



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,138	09/24/2003	Frederick Douglass	YOR920030267US1	7394

35526 7590 01/26/2007
DUKE. W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS, TX 75380

EXAMINER

MOUZON, LAJUANIA N

ART UNIT	PAPER NUMBER
----------	--------------

2109

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/670,138

Applicant(s)

DOUGLIS ET AL.

Examiner

La Juania N. Mouzon

Art Unit

2109

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/24/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/24/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 9/24/2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the comparison and shifting of the bit mask must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

Art Unit: 2109

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (page.11 line17). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

4. The use of the trademarks Microsoft and Windows (page.9 line 7 & 8) has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

5. The disclosure is objected to because of the following informalities: the US Patent Application stated on page 11 line19 has been allowed as a patent.

Therefore, the specification should reflect this changes.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1,3,5,7,11,13 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Zimmers et al. (US 6,816,878, hereinafter '878) filed 2/11/00 and patented 11/09/04. Figure 1 of '878 is duplicated below.

8. In regards to claims 1 '878 discloses, a method, in a data processing system, of outputting a communication from a single source to a plurality of recipient devices, comprising:

a. transmitting the communication to the plurality of recipient devices such that the communication is received by the plurality of recipient devices but is output by only a first subset of the plurality of recipient devices, wherein the first subset is less than all of the plurality of recipient devices (**col. 4 line(s) 37-44, teaches that a message is transmitted to a variety of device whereas only a few of the devices will receive the message based off of the criteria of the message.**);

- b. receiving responses from at least some of the first subset of the plurality of recipient devices (**col. 5 line(s) 13-22, teaches that if the server gets a reply from the messages that were sent out initially.);**
- c. determining if a predetermined response requirement is met by the responses received from the at least some of the first subset of the plurality of recipient devices (**col. 5 line(s) 13-22, teaches that it compares the reply value with the sent out value, predetermine value.);**
- d. and outputting the communication on a second subset of the plurality of recipient devices if the predetermined response requirement has not been met by the responses received from the at least some of the first subset of the plurality of recipient devices(**col. 5 line(s) 13-22, teaches that if the predetermine value does not match with the reply value then the message is resent.).**

9. In regards to claims 3 and 13 '878 discloses, outputting the communication on a second subset of the plurality of recipient devices includes retransmitting the communication to the plurality of recipient devices such that the second subset of the plurality of recipient devices outputs the communication (**col. 5 line(s) 13-22, teaches that a second group of clients will be notified if need be.).**

Art Unit: 2109

10. In regards to claims 5 and 15 '878 discloses, the communication is one of an instant message and an electronic mail message (**col. 9 line(s) 4-8, teaches that the communication can be one of e-mail, text message, or computer generated.**).

11. In regards to claim 7 '878 disclose, the method of claim 1 (**mentioned above in ¶8**), wherein outputting the communication on a second subset of the plurality of recipient devices (**mentioned above in ¶8d**) includes, within each recipient device: storing the communication in a storage (**col. 6 line(s) 41-42, teaches a storage device.**);

e. determining if a predetermined amount of time has elapsed since a previous determination whether to output the communication has been made (**col. 5 line(s) 14-16, teaches if a set time has elapsed/expire.**);

f. determining whether to output the communication based on output criteria (**col. 5 line(s) 20-21, teaches if the message is outputted based on alert requirements.**);

g. and outputting the communication if the output criteria is satisfied (**col. 5 line(s) 20-22, teaches the delivery of the message based on the output criteria.**).

12. In regards to claim 11 '878 discloses, A system for outputting a communication from a single source to a plurality of recipient devices (**Fig. 1, as**

Art Unit: 2109

seen below on page 9, displays a system that outputs communication from a single source to a plurality of recipient devices.), comprising:

- h. at least one network (**Fig. 1 #102, as seen below displays a network**);
- i. a communications server coupled to the at least one network (**Fig. 1 #114, as seen below displays a communication server attached to a network**);
- j. and a plurality of recipient devices coupled to the at least one network (**Fig. 1, as seen below displays a plurality of recipient devices attached to a network.**),
- k. wherein the communications server transmits the communication to the plurality of recipient devices such that the communication is received by the plurality of recipient devices but is output by only a first subset of the plurality of recipient devices wherein the first subset is less than all of the plurality of recipient devices (**col. 4 line(s) 37-44, teaches that a message is transmitted to a plurality of device whereas only a few of the devices will receive the message based off of the criteria of the message.**),
- l. receives responses from at least some of the first subset of the plurality of recipient devices (**col. 5 line(s) 13-22, teaches that a second group of clients will be notified if need be.**),
- m. determines if a predetermined response requirement is met by the responses received from the at least some of the first subset of the

plurality of recipient devices (**col. 5 line(s) 13-22, teaches that if the server gets a reply from the messages that were sent out initially.**),

n. and wherein, if the predetermined response requirement has not been met by the responses received from the at least some of the first subset of the plurality of recipient devices (**col. 5 line(s) 13-22, teaches that if the predetermine value does not match with the reply value then the message is resent.**),

o. the communication is output on a second subset of the plurality of recipient devices (**col. 5 line(s) 13-22, teaches that if the predetermine value does not match with the reply value then the message is resent.**).

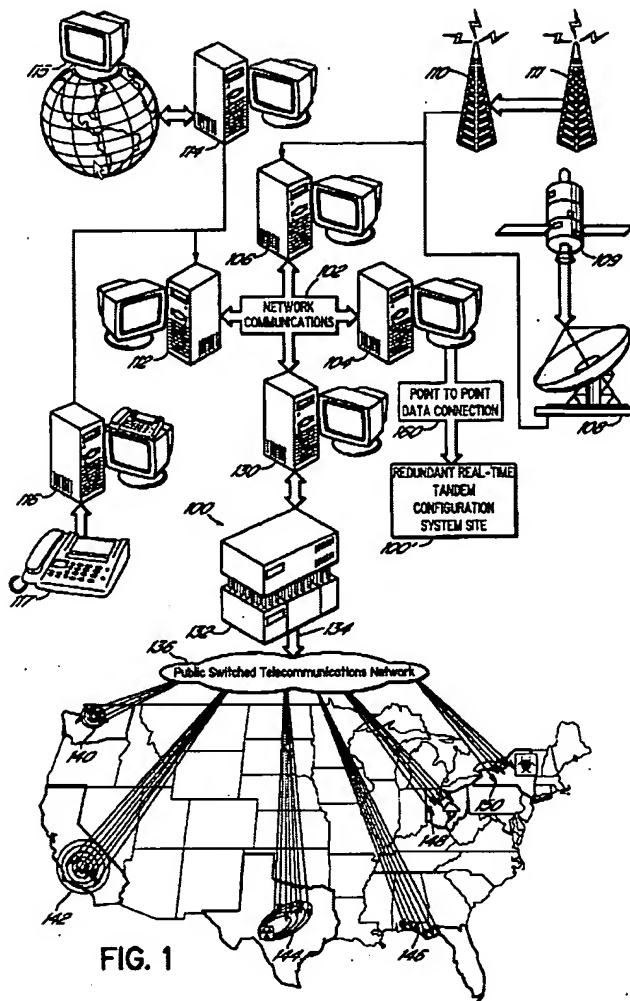


FIG. 1

13. In regards to claim 17 '878 discloses, The system of claim 11, wherein each recipient device stores the communication in a temporary storage (col. 6 line(s) 41-42, teaches a storage device),

p. determines if a predetermined amount of time has elapsed since a previous determination whether to output the communication has been made (col. 5 line(s) 14-16),

q. determines whether to output the communication based on output criteria (col.. 5 line(s) 20-21);

Art Unit: 2109

- r. and outputs the communication if the output criteria is satisfied (col. 5 line(s) 20-22).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

16. Claims 2, 4, 12, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over '878 as applied to claims 1, 3, 11, and 13 above, and further in view of Horvitz et al. (US 6,161,130 hereinafter '130) filed 6/23/98 and patented 12/12/00.

17. In regards to Claims 2 and 12, the method and system taught by '878 lacked the steps of assigning a probability to the communication, and wherein

Art Unit: 2109

each of the plurality of recipient devices determines whether to output the communication based on the probability assigned to the communication.

18. In the same field of endeavor '130 teach that the message is assigned a probability to filter whether the message is outputted (**col. 5 line(s) 8-15**).

19. Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify '878, a method and system of transmitting communications to a plurality of devices with '130 teaching as discussed above to serve as a filtering means because it keeps the users from having to read useless or non-relevant messages. Therefore keeping the end user more efficient when going through messages.

20. In regards to Claims 4 and 14, the method and system taught by '878 lacked the steps wherein a communication with a different probability than the probability that was assigned to the communication.

21. In the same field of endeavor '130 teach that the each message is assigned a unique probability to filter whether the message is outputted (**col. 13 line(s) 5-8**).

22. Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify '878, a method and system of

Art Unit: 2109

transmitting communications to a plurality of devices, with '130 teaching as discussed above to serve as a filtering means because it keeps the users from having to read useless or non-relevant messages. Therefore keeping the end user more efficient when going through messages.

23. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over '878 as applied to claims 1 and 11 above, and further in view of <http://community.ngi.ibm.com/skilltap.htm> (hereinafter SkillTap), published on 4/02/2003.

24. '878 does not teach wherein the communication is one of a PollCast and a SkillTap message.

25. In the same field of endeavor SkillTap teach the communication is one of a PollCast and a SkillTap message to send messages to a plurality of devices.

26. Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify '878, a method and system of transmitting communications to a plurality of devices, with SkillTap teaching as discussed above to serve as a means of communication to a plurality of devices which are applications of messaging apparatuses.

Art Unit: 2109

27. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over '878 as applied to claims 1 and 11 above, and further in view of Mann et al. (US 6,922,722, hereinafter '722).

28. In regards to claims 8 and 18, the method and system taught by '878 lacked the steps wherein comparing, for each recipient device in the plurality of recipient devices, a bit mask to identifiers of the recipient devices, wherein the first subset of the plurality of recipient devices includes recipient devices that are determined to be recipient devices that are to output the communication based on the comparison of the bit mask to the identifiers of the recipient devices.

29. In the same field of endeavor '722 teach an alert system that compares bit mask and output based off the comparison (**col. 6-7 line(s) 62-67, 1-6**).

30. Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify '878, a method and system of transmitting communications to a plurality of devices, with '722 teaching as discussed above to alert the remote device because the comparison ensures that alerting the remote devices is needed. Likewise, if the comparison results show that an alert is needed then it ensures that the correct device(s) receives the alert.

Art Unit: 2109

31. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over '878, further in view of '722 as applied to claims 1, 8, 11, and 18 above, and further in view of Ridenour (US 5,541,996, hereinafter '996) filed 12/12/94 and patented 7/30/96.

32. In regards to claims 9 and 19, the method and system taught by '878 lacks the steps wherein the recipient devices shift the bit mask and compare the shifted bit mask to the identifiers of the recipient devices to identify the second subset of the plurality of recipient devices.

33. In the same field of endeavor '722 teach an alert system that compares bit mask and output based off the comparison (**col. 6-7 line(s) 62-67, 1-6**).

34. Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify '878, a method and system of transmitting communications to a plurality of devices, with '722 teaching as discussed above to alert the remote device because the comparison ensures that alerting the remote devices is needed. Likewise, if the comparison results show that an alert is needed then it ensures that the correct device(s) receives the alert.

35. '722 does not teach the shifting of the bit mask.

Art Unit: 2109

36. In the same field of endeavor '996 teach shifting bit values to generate a random number to be transferred to a remote location to be used as a security key (col. 2 line(s) 25-31).

37. Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify '722, a method to alert the remote device by comparing bit mask with '996 teaching as discussed above to shift the bit mask to be used as a way to output the information to a remote location because the shift ensures that the information is received by the correct remote device.

38. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over '878, in view of '130 as applied to claims 1 and 2 above, and further in view of Williams (US 3,701,107 hereinafter '107) filed 10/1/1970 and patented 10/24/1972.

39. In regards to claim 10 '878 nor '130 teaches each of the plurality of recipient devices determines whether to output the communication based on the probability by generating a randomized value and comparing the randomized value to the probability to determine whether to output the communication.

40. In the same field of endeavor of a method of distributing messages to a plurality of client devices in a network, '107 teaches generating a random value

Art Unit: 2109

and comparing this random value to a probability value to assure the transfer of the information **(col. 2-3 line(s) 64-67, 1-5)**. Likewise, '107 teach out putting a message based on the comparison of the random value and probability value to transfer information from one location to another location **(col. 3 line(s) 13-26)**.

41. Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify '130 a method of classifying incoming messages with '107 teaching as discussed above to allow for the information to be transfer from one location to another location because it ensures that the information is transferred to proper locations.

42. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Zimmers et al. (US 6,816,878, hereinafter '878) filed 2/11/00 and patented 11/09/04, in view of Horvitz et al. (US 6,161,130 hereinafter '130) filed 6/23/98 and patented 12/12/00, and further in view of Williams (US 3,701,107 hereinafter '107) filed 10/1/1970 and patented 10/24/1972.

43. In regards to claim 20, '878 teaches a method of distributing messages to a plurality of client devices in a network **(Fig. 1 (as shown above on page. 8), displays a method of distributing messages to a plurality of client devices in a network)**, comprising:

- s. receiving a message for broadcast to a plurality of client devices
(Fig. 1, col. 6 line(s) 41-64)

t. and transmitting the message to the plurality of client devices (**col. 4 line(s) 37-44, teaches that a message is transmitted to a plurality of device.**).

44. '878 does not teach assigning a probability value to the message, at each client device, generate a randomized value, comparing the randomized value of a client device to the probability value of the message, and outputting the message based on the comparison of randomized value and the probability value.

45. In the same field of endeavor of a method of distributing messages to a plurality of client devices in a network, '130 teaches that the message is assigned a probability to filter whether the message is outputted (**col. 5 line(s) 8-15**).

46. Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify '878, a method and system of transmitting communications to a plurality of devices with '130 teaching as discussed above to serve as a filtering means because it keeps the users from having to read useless or non-relevant messages. Therefore keeping the end user more efficient when going through messages.

47. '130 does not teach at each client device, generating a randomized value, and comparing the randomized value of a client device to the probability value of

Art Unit: 2109

the message, and outputting the message based on the comparison of randomized value and the probability value.

48. In the same field of endeavor of a method of distributing messages to a plurality of client devices in a network, '107 teaches generating a random value and comparing this random value to a probability value to assure the transfer of the information (**col. 2-3 line(s) 64-67, 1-5**). Likewise, '107 teach out putting a message based on the comparison of the random value and probability value to transfer information from one location to another location (**col. 3 line(s) 13-26**).

49. Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify '130 a method of classifying incoming messages with '107 teaching as discussed above to allow for the information to be transfer from one location to another location because it ensures that the information is transferred to proper locations.

Conclusion

50. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Docter et al. US Patent 6,330,610 teaches a multi-stage data filtering system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to La Juania N. Mouzon whose telephone

Art Unit: 2109

number is 571-272-0233. The examiner can normally be reached on Monday - Friday 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Assouad can be reached on 571-272-0233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-2210.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LNM


PATRICK ASSOUD
PRIMARY EXAMINER